

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN WAYS, JR.

Defendant.

**8:12CR391**

**ORDER**

This matter is before the court on defendant's motion to alter this court's order dated June 14, 2017, [Filing No. 731](#). Previously, defendant moved to obtain certain records. [Filing No. 726](#). The court denied the motion until such time as defendant filed an action pursuant to 28 U.S.C. 2255. The defendant claims he needs transcripts prior to filing the 2255 motion. The court will order Donald L. Schense, defendant's previous counsel, to turn over those transcripts and documents in his possession requested by defendant in [Filing No. 726](#). This does not include work product. However, anything not in the possession of Mr. Schense will not be provided to defendant until such time as he files an appropriate § 2255 motion.

IT IS SO ORDERED.

Dated this 7th day of July, 2017.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge